



**4910-13**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 73**

**Docket No. FAA-2015-2776; Airspace Docket No. 15-AEA-5**

**RIN 2120-AA66**

**Proposed Amendment and Establishment of Restricted Areas; Chincoteague Inlet, VA**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to expand the restricted airspace at Chincoteague Inlet, VA, to support the National Aeronautics and Space Administration's (NASA) Wallops Island Flight Facility requirements. The proposed expansion would add 3 new restricted areas, designated R-6604C, R-6604D, and R-6604E. Additionally, a minor change would be made to 2 points in the boundary of existing area R-6604A to match the updated 3 nautical mile (NM) line from the shoreline of the United States (U.S.) as provided by the National Oceanic and Atmospheric Administration (NOAA).

**DATES:** Comments must be received on or before [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, D.C. 20590-0001; telephone: (202) 366-9826. You must identify FAA

Docket No. FAA-2015-2776 and Airspace Docket No. 15-AEA-5, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

Comments on environmental and land use aspects to should be directed to: NASA Wallops Flight Facility, Attn: Ms. Shari Silbert, Wallops Island, VA 23337; telephone: 757-824-2327.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Authority for this Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish restricted airspace at Wallops Island, VA, to contain activities deemed hazardous to nonparticipating aircraft.

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2015-2776 and Airspace Docket No. 15-AEA-5) and be submitted in triplicate to the Docket Management System (see "ADDRESSES" section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2015-2776 and Airspace Docket No. 15-AEA-5." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### **Availability of NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>.

You may review the public docket containing the proposal, any comments received and any final disposition in person at the Dockets Office (see "ADDRESSES" section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

### **The Proposal**

The FAA is proposing an amendment to 14 CFR part 73 to establish three new restricted areas, designated R-6604C, R-6604D and R-6604E, at the NASA Wallops Island Flight Facility in Virginia. The new areas would abut the existing restricted areas (R-6604A and R-6604B) and be used to contain a wide variety of test activities deemed to pose a hazard to nonparticipating aircraft. These activities include, but are not limited to, high-risk test profiles by heavily modified test aircraft, testing of emitters that could induce harmful electromagnetic interference effects on nonparticipating aircraft, non-eye-safe laser firings, and external stores separation testing. The following is a general description of the proposed areas.

R-6604C would overlie the Wallops Flight Facility airfield and would be contained entirely within the Wallops Flight Facility property boundary. It would extend from the surface up to 3,500 feet mean sea level (MSL).

R-6604D would extend from 100 feet above ground level (AGL) up to 3,500 feet MSL. It would be located between the western boundary of R-6604B and VOR Federal airway V-139 and would also extend approximately 15 NM to the northeast of the R-6604A/R-6604B northern boundary.

R-6604E would extend from 700 feet AGL up to 3,500 feet MSL. It would be located between the western boundaries of R-6604A and R-6604B and VOR Federal airway V-139.

All 3 of the proposed new areas would be activated by the issuance of a Notice to Airmen (NOTAM). Specific times of designation were not proposed for R-6604C, D and E due to the variable nature of test programs.

In addition to the above, 2 points in the boundary of R-6604A that intersect a line 3 NM from the shoreline of the U.S. shoreline would be adjusted to reflect NOAA's updated calculation of the U.S. shoreline.

The configuration of the proposed restricted areas was designed to allow for activation of only that portion of the complex required for the specific test profile being conducted. As is the current practice with R-6604A and R-6604B, when the proposed restricted areas are not required by the using agency, the airspace would be returned to the controlling agency for access by other aviation users.

Note that the existing areas (R-6604A and R-6604B) will continue to be used, as in the past, for missile and rocket launches, aircraft systems development, expendable launch vehicles, lasers, RPV, and other test programs.

Color charts showing the location of the proposed restricted areas will be posted on the internet at <http://www.regulations.gov>. Search docket no. FAA-2015-2776 to view the charts.

### **Regulatory Notices and Analyses**

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979);

and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **Environmental Review**

This proposal will be subjected to an environmental analysis in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” prior to any FAA final regulatory action.

### **List of Subjects in 14 CFR Part 73**

Airspace, Prohibited Areas, Restricted Areas.

### **The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

### **PART 73 - SPECIAL USE AIRSPACE**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

### **§ 73.66 [Amended]**

2. Section 73.66 is amended as follows:

\* \* \* \* \*

**R-6604A Chincoteague Inlet, VA [Amended]**

By removing the current boundaries and inserting the following in its place:

**Boundaries.** Beginning at lat. 37°55'25"N., long. 75°24'54"W.;  
to lat. 37°51'31"N., long. 75°17'16"W.;  
then along a line 3 NM from and parallel to the shoreline  
to lat. 37°39'20"N., long. 75°31'19"W.;  
to lat. 37°47'00"N., long. 75°31'18"W.;  
to lat. 37°51'00"N., long. 75°29'36"W.;  
to the point of beginning.

**R-6604C Chincoteague Inlet, VA [New]**

**Boundaries.** Beginning at lat. 37°56'57"N., long. 75°28'37"W.;  
to lat. 37°56'54"N., long. 75°26'56"W.;  
to lat. 37°56'23"N., long. 75°26'46"W.;  
to lat. 37°56'45"N., long. 75°27'29"W.;  
to lat. 37°55'15"N., long. 75°28'23"W.;  
to lat. 37°55'15"N., long. 75°28'39"W.;  
to lat. 37°56'32"N., long. 75°29'18"W.;  
to the point of beginning.

**Designated altitudes.** Surface to 3,500 feet MSL.

**Time of designation.** By NOTAM.

**Controlling agency.** U.S. Navy, Patuxent River Radar Approach Control.

**Using agency.** Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, VA.

**R-6604D Chincoteague Inlet, VA [New]**

**Boundaries.** Beginning at lat. 38°01'42"N., long. 75°29'28"W.;  
to lat. 38°07'12"N., long. 75°14'48"W.;  
to lat. 38°04'36"N., long. 75°08'07"W.;  
thence 3 NM from and parallel to the shoreline  
to lat. 37°51'31"N., long. 75°17'16"W.;  
to lat. 37°56'45"N., long. 75°27'29"W.;  
to lat. 37°53'55"N., long. 75°29'11"W.;  
to lat. 37°55'40"N., long. 75°33'27"W.;  
to the point of beginning; excluding R-6604C.

**Designated altitudes.** 100 feet AGL to 3,500 feet MSL.

**Time of designation.** By NOTAM.

**Controlling agency.** U.S. Navy, Patuxent River Radar Approach Control.

**Using agency.** Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, VA.

**R-6604E Chincoteague Inlet, VA [New]**

**Boundaries.** Beginning at lat. 37°55'40"N., long. 75°33'27"W.;  
to lat. 37°53'55"N., long. 75°29'11"W.;  
to lat. 37°50'24"N., long. 75°31'19"W.;  
to lat. 37°39'20"N., long. 75°31'19"W.;  
to lat. 37°38'57"N., long. 75°31'31"W.;  
to lat. 37°46'55"N., long. 75°39'13"W.;  
to the point of beginning.

**Designated altitudes.** 700 feet AGL to 3,500 feet MSL.

**Time of designation.** By NOTAM.

**Controlling agency.** U.S. Navy, Patuxent River Radar Approach Control.

**Using agency.** Chief, Wallops Station, National Aeronautics and Space Administration,  
Wallops Island, VA.

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Issued in Washington, DC on September 1, 2015.

Gary A. Norek,

Manager,

Airspace Policy and Regulations Group.

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